

Issued December 16, 1911.

## United States Department of Agriculture, OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1189.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF COFFEE ESSENCE.

On July 24, 1911, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 30 cases of coffee essence in the possession of Simon Fischer, Pittsburgh, Pa. Seventeen cases, each containing a number of retail units, were labeled: "Narodna Slovenska Cigoria Tatran Essence for Coffee 65% Caramel—Mixture—35% Cereals. Manufactured by A. Zverina, Cleveland, O. No. 7336 Guaranteed under the Food and Drugs Act June 30, 1906." Box ends: "Tatran Brand Essence for Coffee." Sides: "Tatran Brand Essence for Coffee. Manufactured by A. Zverina, Cleveland, O." Seven cases, each containing a number of retail packages, were labeled: "Feinste—No. 7336 Guaranteed under the Food and Drugs Act, June 30, 1906. Wiener Sorte Essence for Coffee Vienna Brand Essence for Coffee Manufactured by A. Zverina, Cleveland, O. Mixture 65% Caramel, 35% Cereals." Case ends: "Vienna Brand Essence for Coffee Manufactured by A. Zverina & Co., Cleveland, O. Size 2—65 rolls."

An examination of samples from said consignment, by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to contain a small amount of ground prune stones. The libel alleged that the said product, after shipment by A. Zverina, Cleveland, Ohio, from the State of Ohio into the State of Pennsylvania, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, ground prune stones, had been mixed and packed with the article so as to

reduce or lower or injuriously affect its quality or strength, and had been substituted in part therefor. Misbranding was alleged for the reason that said product was labeled to indicate that it was a mixture of 65 per cent caramel and 35 per cent cereals, when in fact it contained ground prune stones. The statement on the label was therefore false and misleading.

On September 6, 1911, the cause coming on to be heard, and it appearing to the court that A. Zverina had appeared as claimant of said property, and filed a petition praying for the release of same to him, the court found that said coffee essence was misbranded, as alleged in the libel, but ordered that the same be released to the claimant upon the payment of costs of the proceedings, and the execution of a good and sufficient bond conditioned that said property should not be again sold contrary to law.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1911.*